

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James G. Schwartz, ESQ (Bar #069371) Law Offices of James G. Schwartz 7901 Stoneridge Drive, #401 Pleasanton, CA 94588 TELEPHONE NO.: 925-463-1073 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF US Bankruptcy Court, No. CA STREET ADDRESS: 1300 Clay Street, 2nd Floor MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:	
PLAINTIFF/PETITIONER: Automobile Finance Corp. DEFENDANT/RESPONDENT: Larsen	CASE NUMBER: 09-48029-Lt7
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): See Exhibit "A"
3. a. Party served (specify name of party as shown on documents served):
Daniel Scott Larsen
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Merle L. Harding, Attorney/authorized to accept service
4. Address where the party was served:
78-B Mission Drive, Pleasanton, CA 94566
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ **by substituted service.** On (date): 12/7/09 at (time): 2:00 pm I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
Lisa Elliott, Attorney
 - (1) ☒ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

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5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Darrell Swayne
- b. Address: 4158 Rennellwood Way, Pleasanton CA 94566
- c. Telephone number: 925-846-8887
- d. The fee for service was: \$ 45.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 925
- (iii) County: Alameda

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/07/09

Darrell Swayne

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

EXHIBIT "A"

SUMMONS AND NOTICE OF STATUS CONFERENCE IN AN ADVERSARY PROCEEDING; BANKRUPTCY NOTICE INFORMATION SHEET; ORDER RE INITIAL DISCLOSURES AND DISCOVERY CONFERENCE; ADVERSARY PROCEEDING COVER SHEET; COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT;

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address) James Schwartz (#069371) Law Offices of James Schwartz 7901 Stoneridge Drive, Ste. 401 Pleasanton, CA 94588 Attorney for:				For Court Use Only
925-463-1073 Ref. No. or File No.				
Insert name of court and name of judicial district branch court if any. US Bankruptcy Court, No. California				
SHORT TITLE OF CASE Automotive Finance Corp. v. Larsen				
DECLARATION OF DILIGENCE	Date:	Time:	DEPT/DIV	CASE NUMBER: 09-48029-LT7

I the undersigned, under penalty of perjury, hereby declare that I am and was on the dates herein mentioned over the age of eighteen years and not a party to the action. I further declare that I received the within process on 12/4/09 and that after due search and diligent inquiry I have been unable to effect personal service on the within named party.

Servee : Daniel Scott Larsen
Residence : 2138 Corte Ricardo
Pleasanton, CA 94566

Business : unknown

Attempts: 12/04/09 06:20 p.m. – no answer residence
12/05/09 09:10 a.m. – This is the Patrick residence. Subject does not live here per White
Male, 60's, 5'10", 170 lbs., gray hair

Darrell Swayne
Independent Process and Courier Service
4158 Rennellwood Way
Pleasanton, CA 94566
(925) 846-8887

Fee for Service: \$45.00
Registration No. 925
County: Alameda
Registered CA Process Server

6. I declare under penalty of perjury under the laws of the State of California that foregoing is true and correct.

Date: 12/09/09


Signature